

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Criminal Action No.
)	07-00214-01-CR-W-DW
DARRYL MCCLINTON,)	
)	
Defendant.)	

**MEMORANDUM OF MATTERS DISCUSSED AND
ACTION TAKEN AT PRETRIAL CONFERENCE**

Pursuant to the order of the Court en banc of the United States District Court for the Western District of Missouri, a pretrial conference was held in the above-entitled cause before me on December 20, 2007. Defendant Darryl McClinton appeared in person and with appointed counsel Richard Carney. The United States of America appeared by Assistant United States Attorney Paul Becker.

I. BACKGROUND

On June 20, 2007, an indictment was returned charging defendant with one count of possessing a firearm after having been convicted of felonies, in violation of 18 U.S.C. §§ 922(g)(1) and 924(e).

The following matters were discussed and action taken during the pretrial conference:

II. TRIAL COUNSEL

Mr. Becker announced that he will be the trial counsel for the government. The case agent to be seated at counsel table is Detective Christopher Gilio, Kansas City, Missouri, Police Department.

Mr. Carney announced that he will be the trial counsel for defendant Darryl McClinton.

III. OUTSTANDING MOTIONS

There are no pending motions in this case.

IV. TRIAL WITNESSES

Mr. Becker announced that the government intends to call 5 witnesses without stipulations or 3 witnesses with stipulations during the trial.

Mr. Carney announced that defendant Darryl McClinton intends to call no witnesses during the trial. The defendant may testify.

V. TRIAL EXHIBITS

Mr. Becker announced that the government will offer approximately 10 exhibits in evidence during the trial.

Mr. Carney announced that defendant Darryl McClinton will offer no exhibits in evidence during the trial.

VI. DEFENSES

Mr. Carney announced that defendant Darryl McClinton will rely on the defense of general denial.

VII. POSSIBLE DISPOSITION

Mr. Carney stated this case may be for trial.

VIII. STIPULATIONS

Stipulations are likely as to prior felony conviction and interstate nexus of firearm.

IX. TRIAL TIME

Counsel were in agreement that this case will take 1 1/2 days to try.

X. EXHIBIT LIST, VOIR DIRE AND INSTRUCTIONS

The U. S. Magistrate Judge ordered:

That, in addition to the requirements of the Stipulations and Orders filed July 6, 2007, counsel for each party file and serve a list of exhibits he intends to offer in evidence at the trial of this case on the form entitled Exhibit Index and have all available exhibits premarked using the stickers provided by the Clerk of Court by December 20, 2007;

That counsel for each party file and serve requested jury voir dire examination questions by or before noon, Wednesday, January 2, 2008;

That counsel for each party file and serve, in accordance with the requirements of Local Rule 51.1, requested jury instructions by or before noon, Wednesday, January 2, 2008. Counsel are requested to provide proposed jury instructions in both hard copy form, as required by Local Rule 51.1, and by e-mail to the trial judge's courtroom deputy.

XI. UNUSUAL QUESTIONS OF LAW

No motions in limine are anticipated. There are no unusual questions of law.

XII. TRIAL SETTING

All counsel and the defendant were informed that this case will be listed for trial on the joint criminal jury trial docket which commences on January 7, 2008. Defense counsel had filed a motion to withdraw, which I had intended to deny. However, after the pretrial conference, defendant tried to assault his attorney and threatened to kill him. Therefore, the Federal Public Defender was appointed to replace Mr. Carney, and this case will likely be continued as a result.

/s/ Robert E. Larsen
ROBERT E. LARSEN
U. S. Magistrate Judge

Kansas City, Missouri
December 20, 2007

cc: **The Honorable Dean Whipple**
 Mr. Paul Becker
 Mr. Richard Carney
 Mr. Jeff Burkholder